

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-0616-IWD-E **TCEQ ID:** RN101517779 **CASE NO.:** 33237**RESPONDENT NAME:** Gulf Coast Machine & Supply Company dba Gulfco

|  |   |   |
|--|---|---|
| <b>ORDER TYPE:</b>   |   |   |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER  | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING<br>SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER  | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL<br>ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER   | <input type="checkbox"/> EMERGENCY ORDER                    |   |
| <b>CASE TYPE:</b>  |   |   |
| <input type="checkbox"/> AIR   | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS<br>WASTE              |
| <input type="checkbox"/> PUBLIC WATER SUPPLY   | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                     |
| <input checked="" type="checkbox"/> WATER QUALITY  | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION<br>CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE   | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                       |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Gulfco, 800 feet east of the intersection of Interstate Highway 10 and Smith Road, seven miles southwest of Beaumont, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Forging and industrial machine shop</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 13, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/><b>TCEQ Attorney/SEP Coordinator:</b> None<br/><b>TCEQ Enforcement Coordinator:</b> Mr. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2576; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468<br/><b>Respondent:</b> Mr. George T. Leblanc, President, Gulf Coast Machine &amp; Supply Company dba Gulfco, P.O. Box 26002, Beaumont, Texas 77720-6002<br/><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |   |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS<br>TAKEN/REQUIRED   |
|---|---|--|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 21, 2007</p> <p><b>Date of NOE Relating to this Case:</b> April 12, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine records review.</p> <p><b>WATER</b></p> <p>Failure to comply with the permitted effluent limits as documented during a record review conducted on March 21, 2007 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0001203000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.]</p> | <p><b>Total Assessed:</b> \$9,100</p> <p><b>Total Deferred:</b> \$1,820<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$7,280</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>Within 60 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. WQ0001203000 and submit written certification as described in the Agreed Order.</p> |



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

**TCEQ**

**DATES**

**Assigned**

16-Apr-2007

**PCW**

18-Apr-2007

**Screening**

17-Apr-2007

**EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** Gulf Coast Machine & Supply Company dba Gulfco

**Reg. Ent. Ref. No.** RN101517779

**Facility/Site Region** 10-Beaumont

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 33237

**Docket No.** 2007-0616-IWD-E

**Media Program(s)** Water Quality

**Multi-Media**

**Admin. Penalty \$ Limit Minimum** \$0 **Maximum** \$10,000

**No. of Violations** 1

**Order Type** 1660

**Enf. Coordinator** Thomas Jecha

**EC's Team** EnforcementTeam 4

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$5,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 92% Enhancement

**Subtotals 2, 3, & 7** \$4,600

**Notes** Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and 17 NOVs for self-reported effluent violations.

**Culpability**

No

0% Enhancement

**Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**

0% Reduction

**Subtotal 5** \$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$194  
**Approx. Cost of Compliance** \$2,000

0% Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6** \$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$9,600

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

-5%

**Adjustment** -\$500

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

Recommended reduction in the penalty so that monthly self-reported effluent violations do not overly impact the penalty amount.

**Final Penalty Amount** \$9,100

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$9,100

**DEFERRAL**

20%

Reduction

**Adjustment** -\$1,820

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

\$7,280

Screening Date 17-Apr-2007

Docket No. 2007-0616-IWD-E

PCW

Respondent Gulf Coast Machine &amp; Supply Company dba Gulfco

Policy Revision 2 (September 2002)

Case ID No. 33237

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101517779

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 18                | 90%     |
|                               | Other written NOVs   | 1                 | 2%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 92%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and 17 NOVs for self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 92%

Screening Date 17-Apr-2007

Docket No. 2007-0616-IWD-E

PCW

Respondent Gulf Coast Machine &amp; Supply Company dba Gulfco

Policy Revision 2 (September 2002)

Case ID No. 33237

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101517779

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0001203000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.

Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on March 21, 2007. See attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 10%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 5

212 Number of violation days

|                            |              |   |
|----------------------------|--------------|---|
| mark only one<br>with an x | daily        |   |
|                            | monthly      |   |
|                            | quarterly    | X |
|                            | semiannual   |   |
|                            | annual       |   |
|                            | single event |   |

Violation Base Penalty \$5,000

Five quarterly events are recommended (one event for outfall 001A and four events for outfall 101A)

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$194

Violation Final Penalty Total \$9,100

This violation Final Assessed Penalty (adjusted for limits) \$9,100

## Economic Benefit Worksheet

**Respondent** Gulf Coast Machine & Supply Company dba Gulfco  
**Case ID No.** 33237  
**Reg. Ent. Reference No.** RN101517779  
**Media** Water Quality  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

### Delayed Costs

|                          |         |             |            |     |       |     |       |
|--------------------------|---------|-------------|------------|-----|-------|-----|-------|
| Equipment                |         |             |            | 0.0 | \$0   | \$0 | \$0   |
| Buildings                |         |             |            | 0.0 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |             |            | 0.0 | \$0   | \$0 | \$0   |
| Engineering/construction |         |             |            | 0.0 | \$0   | \$0 | \$0   |
| Land                     |         |             |            | 0.0 | \$0   | n/a | \$0   |
| Record Keeping System    |         |             |            | 0.0 | \$0   | n/a | \$0   |
| Training/Sampling        |         |             |            | 0.0 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |             |            | 0.0 | \$0   | n/a | \$0   |
| Permit Costs             |         |             |            | 0.0 | \$0   | n/a | \$0   |
| Other (as needed)        | \$2,000 | 31-Jan-2006 | 9-Jan-2008 | 1.9 | \$194 | n/a | \$194 |

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$194

| <b>Effluent Violation Table</b><br>Gulf Coast Machine & Supply Company dba Gulfco<br>TPDES Permit No. WQ0001203000<br>Docket No. 2007-0616-IWD-E |                            |          |          |          |          |          |   |                            |          |
|--|----------------------------|----------|----------|----------|----------|----------|---|----------------------------|----------|
| Permitted Effluent Limits<br>Outfall 101A  | Monitoring Period End Date |          |          |          |          |          | Permitted Effluent Limits<br>Outfall 001A | Monitoring Period End Date |          |
|  | 01/31/06                   | 02/28/06 | 04/30/06 | 07/31/06 | 08/31/06 | 10/31/06 |   | 09/30/06                   | 10/31/06 |
| TSS<br>Daily<br>Max. 65<br>mg/L  | 258                        | 94       | 87       | 176      | 82       | 225      | pH Min<br>6.0 to<br>Max 9.0<br>Su         | 9.3                        | C        |
| Cl<br>Residual<br>Min. 1.0<br>mg/L   | C                          | C        | C        | 0.1      | <0.1     | C        | Flow<br>Daily Avg<br>Max 0.30<br>MGD      | 2.59                       | 1.4      |
| BOD<br>Daily<br>Max. 65<br>mg/l  | C                          | C        | C        | 171      | C        | C        |   |                            |          |

|                              |                               |                             |
|------------------------------|-------------------------------|-----------------------------|
| TSS = Total Suspended Solids | MGD = million gallons per day | Cl = Chlorine               |
| Su = Standard Unit           | lbs/dy = Pounds per day       | mg/L = Milligrams per liter |
| Min. = Minimum               | Max. = Maximum                | C = compliant               |





# Compliance History

Customer/Respondent/Owner-Operator: CN600793301 Gulf Coast Machine & Supply Company Classification: AVERAGE Rating: 1.66

Regulated Entity: RN101517779 Gulfco Classification: AVERAGE Site Rating: 0.32

ID Number(s): WASTEWATER PERMIT WQ0001203000  
WASTEWATER PERMIT TPDES0008290  
WASTEWATER PERMIT TX0008290

Location: 800 ft E of intersection of IH10 & Smith RD, 7 mi SW of BEAUMONT, TX, 77720 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 18, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 18, 2002 to April 18, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Thomas Jecha Phone: 512-239-2576

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 05/09/2002 (161228)
- 2 06/10/2002 (161231)
- 3 07/08/2002 (161233)
- 4 08/09/2002 (161237)
- 5 09/05/2002 (161240)
- 6 11/15/2002 (161245)
- 7 12/12/2002 (161249)
- 8 01/10/2003 (161253)
- 9 02/11/2003 (161217)
- 10 03/10/2003 (161220)
- 11 04/11/2003 (161225)
- 12 05/19/2003 (296624)
- 13 06/11/2003 (296625)
- 14 07/14/2003 (296627)
- 15 07/30/2003 (62448)
- 16 08/14/2003 (296628)
- 17 09/08/2003 (296629)
- 18 10/07/2003 (296630)
- 19 11/07/2003 (296631)
- 20 12/04/2003 (296632)
- 21 12/22/2003 (258502)
- 22 01/08/2004 (296633)

|    |            |          |
|----|------------|----------|
| 23 | 02/12/2004 | (296621) |
| 24 | 03/12/2004 | (296622) |
| 25 | 04/07/2004 | (296623) |
| 26 | 05/10/2004 | (352698) |
| 27 | 06/16/2004 | (296626) |
| 28 | 07/12/2004 | (352699) |
| 29 | 08/16/2004 | (352700) |
| 30 | 09/13/2004 | (352701) |
| 31 | 10/12/2004 | (352702) |
| 32 | 11/10/2004 | (382093) |
| 33 | 12/10/2004 | (382094) |
| 34 | 01/13/2005 | (382095) |
| 35 | 02/03/2005 | (441055) |
| 36 | 04/01/2005 | (382092) |
| 37 | 04/13/2005 | (441056) |
| 38 | 05/05/2005 | (441057) |
| 39 | 06/16/2005 | (441058) |
| 40 | 07/08/2005 | (441059) |
| 41 | 08/05/2005 | (441060) |
| 42 | 09/12/2005 | (441061) |
| 43 | 10/25/2005 | (468828) |
| 44 | 12/13/2005 | (468829) |
| 45 | 01/17/2006 | (468830) |
| 46 | 02/08/2006 | (468826) |
| 47 | 03/09/2006 | (468827) |
| 48 | 04/10/2006 | (498472) |
| 49 | 05/02/2006 | (498473) |
| 50 | 06/12/2006 | (498474) |
| 51 | 07/12/2006 | (520473) |
| 52 | 08/09/2006 | (520474) |
| 53 | 09/13/2006 | (520475) |
| 54 | 11/08/2006 | (513501) |
| 55 | 12/21/2006 | (534369) |
| 56 | 04/12/2007 | (554518) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

|              |   |          |                |          |
|--------------|---|----------|----------------|----------|
| Date         | 08/31/2002  | (161240) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]  |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter  |          |                |          |
| Date         | 03/31/2003  | (161225) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]  |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter  |          |                |          |
| Date         | 08/01/2003  | (62448)  |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                |          |
| Rqmt Prov:   | OP 1203-000   |          |                |          |
| Description: | Failure to report 40% noncompliances to the TCEQ within the required notification period.                               |          |                |          |
| Self Report? | NO  |          | Classification | Minor    |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)   |          |                |          |
| Rqmt Prov:   | OP 1203-000   |          |                |          |
| Description: | Failure by the permittee to perform manganese interference correction during the analysis of residual chlorine.         |          |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                |          |
| Rqmt Prov:   | OP 1203-000   |          |                |          |
| Description: | Failure by the permittee to comply with the permitted effluent limitation for Total Suspended Solids (TSS) single grab. |          |                |          |
| Date         | 09/30/2003  | (296630) |                |          |
| Self Report? | YES   |          | Classification | Moderate |

|              |  |                |          |
|--------------|--|----------------|----------|
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 11/30/2004 (382094)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 03/31/2005 (441056)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 04/30/2005 (441057)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 05/31/2005 (441058)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 08/31/2005 (441061)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 01/31/2006 (468826)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 02/28/2006 (468827)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 04/30/2006 (498473)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 07/31/2006 (520474)  |                |          |
| Self Report? | YES  | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |                |          |
| Description: | Failure to meet the limit for one or more permit parameter   |                |          |
| Date         | 11/09/2006 (513501)  |                |          |
| Self Report? | NO   | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)  |                |          |
| Rqmt Prov:   | PERMIT EL&MR 1, Pg. 2  |                |          |
| Description: | Failure by Gulf Coast Machine and Supply Company to have a flow meter to measure flow volume at Outfall 001.                       |                |          |
| Self Report? | NO   | Classification | Moderate |
| Citation:    | 30 TAC Chapter 319, SubChapter A 319.4   |                |          |
| Rqmt Prov:   | PERMIT EL&MR 2, Pg. 2a   |                |          |
| Description: | Failure by Gulf Coast Machine and Supply Company to collect and analyze chlorine residual samples from outfall 101 five days/week. |                |          |
| Self Report? | NO   | Classification | Moderate |
| Citation:    | 30 TAC Chapter 319, SubChapter A 319.7(c)  |                |          |
| Rqmt Prov:   | PERMIT M&RR 3c, Pg. 5  |                |          |

Description: PERMIT OT 3, Pg. 12  
Failure by Gulf Coast Machine and Supply Company to maintain records of monitoring activities.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT OT 4, Pg. 12

Description: Failure by Gulf Coast Machine and Supply Company to maintain a rain gage on-site.

Self Report? NO Classification Minor

Rqmt Prov: PERMIT PC 1a, Pg. 6

Description: Failure by Gulf Coast Machine and Supply Company to submit relevant facts in a permit application to the Executive Director.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)

Description: Failure by Gulf Coast Machine and Supply Company to store industrial solid waste in a manner so as to cause the imminent threat of discharge of industrial solid waste into or adjacent to waters in the state.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)

Description: Failure by Gulf Coast Machine and Supply Company to handle industrial solid waste in a manner as to cause the imminent threat of discharge into or adjacent to the waters in the state without obtaining specific authorization for such a discharge.

Date: 08/31/2006

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2006

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2006

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2007

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING GULF COAST  
MACHINE & SUPPLY COMPANY  
DBA GULFCO  
RN101517779

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-0616-IWD-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gulf Coast Machine & Supply Company dba Gulfco ("GCM&SC") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and GCM&SC appear before the Commission and together stipulate that:

1. GCM&SC owns and operates a forging and industrial machine shop located approximately 800 feet east of the intersection of Interstate Highway 10 and Smith Road, seven miles southwest of Beaumont, Jefferson County, Texas (the "Facility").
2. GCM&SC has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and GCM&SC agree that the Commission has jurisdiction to enter this Agreed Order, and that GCM&SC is subject to the Commission's jurisdiction.
4. GCM&SC received notice of the violations alleged in Section II ("Allegations") on or about April 17, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by GCM&SC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.





6. An administrative penalty in the amount of Nine Thousand One Hundred Dollars (\$9,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). GCM&SC has paid Seven Thousand Two Hundred Eighty Dollars (\$7,280) of the administrative penalty and One Thousand Eight Hundred Twenty Dollars (\$1,820) is deferred contingent upon GCM&SC's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If GCM&SC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require GCM&SC to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and GCM&SC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that GCM&SC has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, GCM&SC is alleged to have failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0001203000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on March 21, 2007 and shown in the table below.

| Effluent Violation Table<br>Gulf Coast Machine & Supply Company dba Gulfco<br>TPDES Permit No. WQ0001203000 |                            |          |          |          |          |          |  |                               |          |
|---|----------------------------|----------|----------|----------|----------|----------|--|-------------------------------|----------|
| Permitted<br>Effluent Limits<br>Outfall 101A  | Monitoring Period End Date |          |          |          |          |          | Permitted<br>Effluent Limits<br>Outfall 001A | Monitoring Period<br>End Date |          |
|   | 01/31/06                   | 02/28/06 | 04/30/06 | 07/31/06 | 08/31/06 | 10/31/06 |  | 09/30/06                      | 10/31/06 |
| TSS Daily<br>Max. 65 mg/L   | 258                        | 94       | 87       | 176      | 82       | 225      | pH Min 6.0 to<br>Max 9.0 Su                  | 9.3                           | C        |
| Cl Residual<br>Min. 1.0 mg/L  | C                          | C        | C        | 0.1      | <0.1     | C        | Flow Daily<br>Avg Max. 0.30<br>MGD           | 2.59                          | 1.4      |
| BOD Daily<br>Max. 65 mg/l   | C                          | C        | C        | 171      | C        | C        |  |                               |          |

|                                 |                                 |                             |
|---------------------------------|---------------------------------|-----------------------------|
| TSS = Total Suspended Solids    | MGD = million gallons per day   | Cl = Chlorine               |
| Su = Standard Unit              | lbs/dy = Pounds per day         | mg/L = Milligrams per liter |
| BOD = Biochemical Oxygen Demand | Max. = Maximum & Min. = Minimum | C = compliant               |



### III. DENIALS

GCM&SC generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that GCM&SC pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and GCM&SC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gulf Coast Machine & Supply Company dba Gulfco, Docket No. 2007-0616-IWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that GCM&SC shall, within 60 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. WQ0001203000 and submit written certification as described below. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:



Manager, Water Section  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

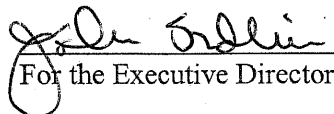
3. The provisions of this Agreed Order shall apply to and be binding upon GCM&SC. GCM&SC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If GCM&SC fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, GCM&SC's failure to comply is not a violation of this Agreed Order. GCM&SC shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. GCM&SC shall notify the Executive Director within seven days after GCM&SC becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by GCM&SC shall be made in writing to the Executive Director. Extensions are not effective until GCM&SC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against GCM&SC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to GCM&SC, or three days after the date on which the Commission mails notice of the Order to GCM&SC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

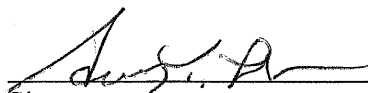
9/6/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

5-31-07  
\_\_\_\_\_  
Date

GEORGE T. LEBLANC  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Gulf Coast Machine & Supply Company dba Gulfco

PRESIDENT  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

